

**Executive Secretary's Address
National Conference on Weights and Measures
Pittsburgh, Pennsylvania
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“Changes and Opportunities”

**Henry Oppermann
National Institute of Standards and Technology**

The NIST Weights and Measures Division recently sponsored Weights and Measures Administrators' Workshops, and I was extremely happy with the discussions and the many ideas that were presented.

One of the key topics of discussion was the future of weights and measures oversight. The marketplace has changed. We are in a global manufacturing and marketing environment, and consumers have changed as reflected by their tastes and priorities. Consumer demographics have changed, and retailers have changed their marketing techniques in response to changes in consumers. Consumer product manufacturers have changed their products, packaging, and marketing approaches, and scale and meter manufacturers have changed technology and the products they provide based upon the needs and wishes of their customers. Businesses must respond and adapt to their changing environment if they are to survive and prosper, and weights and measures programs must also change and adapt if we are to survive and prosper.

Weights and measures is one of the most fundamental and important components of the commercial measurement system. Many weights and measures programs have not done well on budget issues over the last 15 years. While some programs have done well and others expect a significant economic recovery, we have to learn from each other and improve our operations. We have to see how we can become more efficient and effective. The speakers and discussions at the Administrators' Workshops provided a variety of ideas and experiences on which we need to capitalize.

There were discussions regarding “risk-based inspections,” that is, inspections focused on devices or businesses with higher levels of noncompliance, rather than performing inspections on 100 % of all devices. Statistical sampling may also be a component of risk-based inspections, rather than testing all of the devices. Several jurisdictions reported that they were forced into this course of action. A few programs have found ways to make this approach successful. However, the implementation of these types of programs must be done in the proper way and as part of the “bigger picture.” Risk-based inspections in the narrow view are often an excuse to cut staffing. However, effective regulatory oversight of the marketplace can result from properly implementing a comprehensive combination of service company work, monitoring the performance of service companies, record keeping and analysis, conducting an adequate number of regulatory inspections, and the judicious use of penalties. Risk-based inspections can allow weights and measures programs to shift resources in order to expand regulatory oversight. However, improper implementation of risk-based inspections can weaken weights and measures regulatory oversight. We have to be proactive to change with our political and economic environment so we can be the major force in shaping our future.

A problem raised by the NIST focus groups is the lack of consistency in weights and measures interpretations, inspections, practices, and regulations. We have the opportunity to improve this situation both for the benefit of the regulatory community and for industry and the retailers. The effort of the Professional Development Committee and the idea of establishing a certification program for weights and measures inspectors present a great opportunity to improve uniformity across the country. Improving uniformity requires the commitment on the part of all in the regulatory community to make it happen. However, this is something that is under our control, and, therefore, it is something that we can achieve.

The marketplace is global. Business acquisitions, mergers, and bankruptcies have resulted in huge multi-national companies that market around the world. Weights and measures must look at how the marketplace has changed and

explore how our approach to regulatory oversight should change to be more effective. One key opportunity that exists is for weights and measures officials to cooperate nationally rather than operate as independent and uncoordinated actions. The NCWM Board has had discussions this week that present opportunities for some coordinated national efforts through the conduct of national marketplace audits. This is an exciting possibility that may revitalize some of the most effective work weights and measures programs have done on a national basis. Opportunities for partnership among NCWM, NIST, and individual jurisdictions exist and we have to take advantage of them. We can be much stronger, more successful, and more efficient working together than by working separately.

NIST has undertaken the weights and measures benchmark study, in which many weights and measures directors participated. Individual companies participated in interviews that provided valuable insight into how their customers, their markets, their priorities, and their companies have changed in response to the changing markets and competition. The NCWM assisted NIST in this study by providing the data from their survey, which are extremely valuable to the benchmark study. Although the data are not “clean and pretty,” I believe the study will provide the basis to see where opportunities for improvement exist. However, this will take additional effort. To take advantage of the data that have been collected, we jointly have to look deeper into what is behind the data. One obvious difficulty in the collection and analysis of the data is that weights and measures jurisdictions are not consistent in how they categorize devices, package inspections, and price verifications, or in how they track violations. This may be an opportunity for the NCWM to develop a recommendation for defining device categories and the means for tracking violations so we can better compare results across the country.

To take advantage of the data collected for the benchmark study, WMD believes that small groups of experts should be assigned to each major weights and measures inspection discipline to analyze the inspections, the records, and the practices that are behind the numbers. We need to validate the data and then identify which programs have “best practices” that should be emulated by others. Overall, this follow-up work presents opportunities. We want to use the benchmark study and the subsequent follow-up work to develop “model” weights and measures programs so jurisdictions can compare themselves.

NIST also hopes to use the results of the Administrators’ Workshops, the discussions of the focus groups held in 2003, and the follow-up work on the benchmark study to update NIST Handbook 82, “Weights and Measures Administration.” We also want to develop a training course for new weights and measures directors to explain the responsibilities and complexities of managing weights and measures programs. We need to explain the ramifications of relying on fees to fund regulatory activities.

These are projects that we in weights and measures have talked about for years. I believe that we are in position to move forward on these projects to strengthen weights and measures programs and the operation of the commercial measurement system. In order to achieve this goal, we must work together. NIST looks forward to working with you on these projects. Thank you for your attention.

Chairman's Address
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Dennis E. Ehrhart
Arizona Department of Weights and Measures

Good Afternoon, I am indeed honored to have the opportunity to serve the National Conference on Weights and Measures.

Recognition Through Transparency was my slogan for my term. Transparency, above board, open, crystal clear, all the same. I wanted this body to be painfully aware of how important to due process transparency actually is. I hope you found the Board more transparent. The newsletters were full of the actions of the Board and NTEP. Our Board open hearings were longer and I hope not to the chagrin of the members. I hope our stakeholders found the NCWM more transparent. We asked more questions. We received more answers.

I hope you are not burned out on surveys because we need more. We do not as of yet have the information necessary to begin a National Media Campaign or identify a Model Weights and Measures Program.

I had the privilege to attend the International Society of Weighing and Measurement (ISWM) meeting in Covington, Kentucky last month. The meeting featured a keynote speaker by the name of Robert Stevenson the author of the book "How to Soar With Eagles While Working With Turkeys". I'd like to share just a few of the points he made because even though he was speaking to a private sector group, I found some appropriate for the public sector:

1. You can't make your organization better until you make your people better.
2. Create a FUBAR list. (Fouled up beyond all recognition) You need to make a list of all the things you do or try to do that don't work so when you hire someone new you can share that list and tell them we've tried these things they don't work, don't do them.
3. Success is never final.
4. Change is not a way of life; it is life.
5. It's not the big that eat the small; it's the fast that eat the slow.
- And, 6. Share the details.

Case in point. Boeing Aircraft made a cannon to fire processed chickens, NOT NECESSARILY ENHANCED, at the windshield of proto-type airplanes to ensure the windshield would not break if the plane hit a bird during takeoff or while in flight. The maker of a Bullet Train in France heard of the cannon and thought it would be a worthwhile venture to borrow the cannon and test the windshields of their trains. Boeing sent the cannon to France with a lengthy list of set up and operating instructions. The engineers that designed the train set up the cannon per the instructions and fired a chicken at the windshield. Not only did the chicken go through the windshield but also through the control panel, broke the engineers seat and imbedded into the rear wall of the engine.

The engineers were stunned. They carefully recorded all of their preliminary steps and the results and fired them off to Boeing. Why has our experiment gone so horribly wrong? The answer was one short sentence. Thaw the Chicken.

My focus at the ISWM conference was to reach out to another set of stakeholders. I believe we need to spend much more time identifying and contacting our stakeholders for more than one reason. First; we may find a source of membership, second; we may find a source of expertise to assist our standards writing efforts and finally, we may end up finding parties that are affected by our work.

President, Steve Kendra of the ISWM and I have started talks about joint activities in Orlando next year while we are staying at the same facility. I think this is an excellent opportunity to interact with an association with common interests and goals.

So, what are some of the areas that require the attention of the NCWM?

The NCWM while being active in the international arena needs to begin playing a bigger role in the OIML process and the National Working Groups.

I remember a time, not too long ago, when I was one that said this is the *National* Conference on Weights and Measures why must we concern ourselves with international standards? Spend some time with the associate members, and members of ISWM, and members of the SMA. They will tell you they want one stop shopping for type evaluation and one set of standards to adhere to so they do not have to make different devices or packages for different worldwide markets.

Exploring the possibilities of participating in the MAA with OIML countries for type evaluation data exchange and acceptance is under way and moving at a rapid pace.

In that 50 % or more of the membership of the NCWM is comprised of associate members, we owe our industry partners our support and dedication toward helping them to be a competitive force in the global marketplace. We can ensure this positioning by working toward harmonization with OIML standards and type evaluation. And, please don't construe that statement as a position of support for OIML criteria instead of or in place of NCWM standards and type evaluation checklists. The process of harmonization is not an abandonment of our standards but a process of having applicable standards incorporated into one-another's standards. Perhaps we must examine our "Yankee Pride" and not allow that to stand in the way of progress and artificially create technical or administrative barriers to trade.

The creation of a national training program for field personnel in order to ensure uniformity of field examinations as well as enforcement actions of weighing and measuring disciplines is still a priority at the Board level and I'm certain each of you feel the same sense of urgency to improve the training material available to regulators and industry alike.

Our partners at WMD brought a series of issues regarding the development of standards to the Board's attention. One of those issues was the concern that in order to write the best standards possible the proper experts must be involved. Why employ working groups? Each of the standing committees, while having dedicated hard working members, they are most likely not equipped to deal with some of the more technical issues put before them. I can see the need for a working group or groups to assist the PDC in their task to create the curriculum for the training program.

Wes Diggs and I visited all three standing committees and asked them to give us a 40 thousand foot view of how working groups would be utilized. How working groups would move a project through the system? Who might be on those groups? Would there be funding needed and how much?

The technological advances of the marketplace dictates to industry the time frame in which they must bring their products to market has placed a greater importance to the time a device can spend in the evaluation process and a manufacturer still be able to remain competitive. The NTEP staff and laboratories must remain sensitive to those needs and strive to be as efficient as possible to enable a manufacturer to receive a CoC in a reasonable time.

Internal issues of the Conference such as ensuring the Conference is financially stable must remain a high priority. One way to accomplish this goal is by pursuing the identification of non-dues revenue and enhancing membership levels. Bob McGrath's membership initiative should be memorialized along with his idea of dedicating a portion of each Board meeting to discussing membership issues and, not just pursuing new members but the retention of present members. We must find new member benefits and enhance the benefits already in place.

The Fair Measurement Act proposed by Aves Thompson in which legislation would be proposed at the Federal level to garner federal monies to assist Weights and Measures jurisdictions must be a continuing effort by the Conference. Each of us should make every effort to contact your Congressional Representative to keep the issue on their radar screen. Because at the end of the day the bills that can be considered a good piece of bi-partisan legislation that are being pushed from several directions can prevail.

There will be new parts of the NCWM strategic plan that should move to the forefront and be recognized. In order to really become transparent and to receive the recognition we deserve. We must find a way to meet the criteria set

out in the National Media Campaign Plan and implement the campaign. I believe the media campaign is worthy of the allocation of resources to heighten public awareness of the Weights and Measures community and perhaps more specifically the NCWM.

Most of you are aware the State of Arizona has a very active media campaign and a very dynamic Public Information Officer. I hope to be able to infuse some of DeeAnn's ability and time to make a recognition program library. While some of the news media pieces are Arizona specific, most are of generic consumer oriented genera.

The real beauty of the media spots is while the consumer is being educated one or more members of the retail community are being highlighted as a good corporate citizen. One or more device manufacturers are receiving acknowledgment as a company that produces a product that a businessperson can rely upon in a commercial application.

Ensuring the existence of a strong Weights and Measures program is not only good for the consuming public but also for the retail and manufacturing community. Our industry partners have been and we hope will continue to be our greatest supporters. But an informed consuming public is necessary to be our eyes and ears in the marketplace.

In Arizona, 4 years into an active media program our consumer complaints have become more productive in finding violations than the efforts of our random inspection program. For instance, while Department finds a 41 % rejection rate for Price Verification, the rejection rate for complaints regarding Price Verification is almost 90 %. The consumers have been exposed to the requirements and take that knowledge into the marketplace with them.

The Department receives 700 to 800 gasoline volume complaints in the course of an average year. After several gasoline media spots, the percentage of valid complaints rose from 1 % to 9 % with a reduction of the old stand by "my car won't hold that much gas".

In closing: There is still much to do. There are still tight budgets and a shrinking volunteer force. But, we've seen budgets rebound. We will find new members and absent members will return. Weights and Measures programs are necessary to a stable and prosperous American marketplace.

I believe in the NCWM.

Thank you very much and May God Bless America.

NCWM 2004 Annual Meeting Honor Award Recipients

| Name | Number of Years |
|-----------------------|------------------------|
| Karl Angell | 10 |
| Mark Buccelli | 10 |
| Jerry Flanders | 10 |
| Darrell E. Floken | 10 |
| Gary Lameris | 10 |
| Stephen Langford | 10 |
| Anthony Lori | 10 |
| James A. Vanderwielen | 10 |
| Juana Williams | 10 |
| Christopher Guay | 15 |
| Mark. P. Coyne | 15 |
| Ronald G. Hayes | 15 |
| Ross J. Andersen | 25 |
| Daryl Tonini | 30 |
| Joseph Silvestro | 35 |